

An Essay on Possession in the Common Law



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Reviews

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(Eleonore Muller DVM)

AN ESSAY ON POSSESSION IN THE COMMON LAW



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CreateSpace Independent Publishing Platform. Paperback. Book Condition: New. This item is printed on demand. Paperback. 260 pages. Dimensions: 8.9in. x 5.9in. x 0.7in. An excerpt from the beginning of the Introduction First Notions: POSSESSION is a term of common occurrence and no mean significance in the law. It imports something which at an earlier time constantly made the difference between having the benefit of prompt and effectual remedies, or being left with cumbrous and doubtful ones; which in modern times has constantly determined and often may still determine the existence or non-existence of a right to restrain acts of interference with property, the relative priority of the claims of competing creditors, or the incidence of public burdens; and which for centuries has been, and is still capable of being, of critical importance in defining the boundary between civil wrongs and crimes. Yet, as the name of Possession is in these and other ways one of the most important in our books, so it is one of the most ambiguous. Its legal senses (for they are several) overlap the popular sense, and even the popular sense includes the assumption of matters of fact which are not always easy to verify. In common speech a man is said to possess or to be in possession of anything of which he has the apparent control, or from the use of which he has the apparent power of excluding others. We shall have to consider hereafter whether the measure of apparent power depends merely on physical facts, or is liable to be affected by the appearance or reputation of right. For the present we start with this, that any of the usual outward marks of ownership may suffice, in the absence of manifest power in some one else, to denote as having possession the person-to whom...



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